

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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L.A., individually and on behalf of minor
child V.K., :
: :
Plaintiffs, : :
: : 20-cv-05616-PAC-JLC
-against- : :
: :
NEW YORK CITY DEPARTMENT OF : : **ORDER TO SHOW CAUSE**
EDUCATION, : :
: :
Defendant. -----X

HONORABLE PAUL A. CROTTY, United States District Judge:

Upon Plaintiffs' annexed Complaint, Exhibits, Motion for Preliminary Injunction, Memorandum of Law, and Declarations, IT IS HEREBY ORDERED that the above-named Defendant NEW YORK CITY DEPARTMENT OF EDUCATION shows cause before this Court at the United States Courthouse, Southern District of New York, 40 Foley Square, New York, New York 10007, by telephonic Conference on Friday, August 28, 2020, at 11:30 o'clock in the morning of that day why a **PRELIMINARY INJUNCTION** should not issue, pursuant to Rule 65 of the Federal Rules of Civil Procedure, pending final disposition of this action, ordering Defendant, its agent, officers, servants, representatives and / or employees to prospectively fund or immediately provide the following services pursuant to the Court's equitable powers under 20 U.S.C. § 1415 and the "PENDENCY" provision of the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1415(j).

FOR MINOR CHILD V.K., a preschool student with a disability,

(A) Continued 12-month placement at AHRC's Howard Haber Early Learning Center (“AHRC-Howard Haber”), located at 2300 Westchester Avenue, Bronx County, New York 10462;

(B) Special Class Ratio consisting of six students, one head teacher, and three teaching assistants at AHRC-Howard Haber (8:45 a.m. to 2:15 p.m., Monday through Friday); with related services of—

(C) Speech-Language Therapy provided by AHRC-Howard Haber twice per week in 30-minute sessions on a one-to-one basis with V.K.;

(D) Occupational Therapy provided by AHRC-Howard Haber twice per week in 30-minute sessions on a one-to-one basis with V.K.;

(E) Physical Therapy provided by AHRC-Howard Haber twice per week in 30-minute sessions on a one-to-one basis with V.K.;

(F) Special Transportation in the form of door-to-door, roundtrip busing between V.K.'s home and AHRC-Howard Haber; and

IT IS FURTHER ORDERED that service of this Order to Show Cause upon the Parties shall be complete upon the filing of this Order to Show Cause by the Court via Case Management / Electronic Case Filed (“CM/ECF”) and emailing a copy to ServiceECF@law.nyc.gov; and

IT IS FURTHER ORDERED that any papers in opposition to Plaintiffs' application for injunctive relief shall be served by ECF and email on Plaintiffs' counsel, with a courtesy copy by email on this Court on August 17, 2020, and any Reply Papers shall be served by ECF and email on Defendant's Counsel, with a courtesy copy by email on this Court on August 24, 2020.

Dated: New York, New York
August 7, 2020

SO ORDERED


PAUL A. CROTTY
United States District Judge